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EXAMINER	
LUONG, ALAN H	

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2427	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/671,402	KEMPISTY, MARK S.	
	Examiner	Art Unit	
	ALAN LUONG	2427	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 December 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,5,6,9,10,13-17 and 20-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,5,6,9,10,13-17 and 20-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

The Art unit is changed into 2427.

Claims 3-4, 7-8, 11-12 and 18-19 have been cancelled. Claims 1-2, 5-6, 9-10, 13-17 and 20-24 are pending in the above-identified application.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 10-13 and 22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 10-13 and 22 claim "A computer readable medium including **software** that is configured to control a general purpose computer ". ¶0040 of the Applicant's specification defines " *the components of the present invention have been described in terms of specific components, it is contemplated that one or more of the components may be implemented in software running on a processor*". However, ¶0040 states that "This *software may be embodied in* ***a computer readable carrier****, for example, a magnetic or optical disk, a memory-card or an audio* ***frequency****, radio-****frequency*** *or optical* ***carrier wave****, or other such technology*."

Claims that recite nothing but the physical characteristics of a form of energy, such as a frequency, voltage, or the strength of a magnetic field, define energy or magnetism, per se, and as such are nonstatutory natural phenomena. O'Reilly, 56 U.S.

(15 How.) at 112-14. Moreover, it does not appear that a claim reciting a signal encoded with functional descriptive material falls within any of the categories of patentable subject matter set forth in § 101. Claims 10-13 and 22 are thus non-statutory for this reason.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims **1-2, 5-6, 9-10, 13-14, 16-17 and 20-24** are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat. No. 6,266,814 to Lemmons et al.

Regarding to claim 1: Fig. 2, 3 of Lemmons illustrates a set-top box [70] supports **a method for configuring an electronic program guide controller** [74 of Fig. 2], **the electronic program guide controller** provides the retrieved data to digital video circuitry 86 which **capable of generating** the digital data to video signals **for display on a display device** [84] **an electronic program guide grid pattern** [100] **containing program cells** [114] **having associated program lengths** of particular TV program, **the grid** [100] **including one** channel bar [108] is divided into a plurality of vertically arranged channel cells **or more rows** [110] identify the channels on which the displayed programs are to be (or are being) telecast **and a plurality of columns**, ***each column corresponding to a minimum time interval displayed on the electronic program***

guide grid pattern (i.e. as time cell [104] is defined half- hour period of time), ***each associated program length being equal to or greater than the minimum time interval and at least one displayed program length being greater than the minimum time*** (referring to Fig. 3, i.e. Program cell [114] contains "FLY BY NIGHT" has more than the 3 time cells)**(Lemmons, col. 7 line 20 to col. 8 line 10 and col. 8 line 55 to col. 9 line 18)** the method comprising**:**

Referring to Fig. 3, the screen 100 also includes a menu overlay or "quickmenu" 116 which contains a plurality of menu choices which allow the viewer to control the operation of the interactive program guide, **receiving instructions** using the Left, Right, Up, and Down Arrow keys on the remote control 78, **at an electronic program guide controller** [74], with respect to claimed **"the electronic program guide controller having at least two time shift modes**, *the at least two time shift modes including a column time shift mode* **(Lemmons, Fig. 3, col. 8 line 55 to col. 9 line 18)*** ***and a program cell time shift mode.*** **(Fig. 3, col. 9 lines 6-18).**

Fig. 4 of Lemmons illustrates **"***the program grid 112, the time bar 102 which has many time cell [104] that is an half-hour time interval, and the channel bar 108 scroll as needed when the viewer attempts to move the cursor beyond the same displayed highlighted program schedule information in the program cell 114 as* **column time shift mode**. **(col. 8 line 55 to col. 9 line 18).** *For example, if the viewer presses the Left Arrow key while the program cell 127 is highlighted, the program grid 112 and the time bar 102 will scroll sufficiently far to the right every time cell [104] to allow the display of program schedule information. Continuation icons 132 indicate that particular programs*

start before or finish later than the times currently displayed in the time bar 102. The viewer can see when such programs start or end by scrolling the program grid 112 using the arrow keys corresponding to the directions indicated by the continuation icons 132". **(Lemmons, col. 8 line 55-col. 9 line 18 and col. 10 lines 48-62)** meets the limitation of "***the received instructions selecting one of the at least two time shift modes and each of the at least two time shift modes specifying how a time focus [highlighted] is shifted on the electronic program guide grid pattern in response to shift instructions, configuring the electronic program guide controller [74] one of the at least two time shift modes responsive to the received instructions wherein, when the electronic program guide controller is configured in the column time shift mode, the method further comprises shifting the grid pattern time focus by the minimum time interval regardless of the length of a program cell",*** *and*

Lemmons et al. teaches "*when user navigates the program cell [127] as highlighted in Fig. 3 to indicate* ***a time focus*** *of the program grid [112] as* ***program cell time shift mode*** **(col. 9 lines 6-18)**,(*i.e. referring to Fig. 4, if the Right Arrow key is pressed while the program cell 127 "ROBIN HOOD" is highlighted, the cursor moves to a highlighted program cell 128 "POINT OF IMPACT", move from highlighted program cell to another. If the Down Arrow key is pressed while either of the program cells 127 or 128 is highlighted, the cursor moves to a program cell 130*". **(Lemmons, Fig. 4, col. 10 lines 8-34 and lines 36-47)** meets the limitation of ***the received instructions selecting one of the at least two time shift modes and each of the at least two time shift modes***

specifying how a time focus [highlighted] is shifted on the electronic program guide grid pattern in response to shift instructions, configuring the electronic program guide controller [74] one of the at least two time shift modes responsive to the received instructions wherein when the electronic program guide controller is configured in the cell time shift mode, the method further comprises shifting the grid pattern time focus by the length of a selected program cell of the displayed program cells, the selected program cell corresponding to a program having a program length greater than the minimum time.

Regarding to claim 2: The method of claim 1, Lemmons discloses the **at least two time shift modes: a column time shift mode (Lemmons, col. 10 lines 48-62)**; and **a program cell time shift mode (Lemmons, col. 10 lines 36-47)** as discussed in claim 1, *Fig. 3 of Lemmons illustrates a quickmenu [116] which is navigated by the viewer uses the Left and Right Arrow keys on the remote control 78 (FIG. 2), with 3 shortcut choices: "Hot Picks", What's On [118] and Prime time [120]* **(Lemmons, col. 9 line 31-37, 62-67)** meets the limitation of claim ***"wherein the at least two time shift modes include at least three time shift modes and further include a user defined time period shift mode".***

Regarding to claim 5: With respect to claim 2, *Fig. 4 depicts the program guide screen 100 is shown as it may appear when the Hot Picks navigation point is selected by user input. It should also be noted that the Hot Picks navigation point is automatically selected by the control unit 74 and selection of the Hot Picks navigation point causes the interactive program guide to present a "premium channel line-up" as program cell [130], [134] has start time at Prime time 7:00pm, although program cell [127] is highlighted as Time focus cell, this feature*

presents ***configuring a user defined time period for the user defined time period shift mode that*** *to be not dependent on either the current time period or the current channel to which the tuning circuitry 72 (FIG. 2) is tuned.* **(Lemmons, col. 10 line 8-34)** meets the claimed feature of **"the received instructions are further for configuring a user defined time period for the user defined time period shift mode, and**

the method further comprises the step of:

Fig. 5 illustrates EPG [100], **receiving a shift instruction** *as Prime Time on Quickmenu [116]***; and shifting the grid pattern time focus** *at program cell [136] where program name "Mad about you" at "CH 2" on Channel row [110] associated with "Feb 09" on Time cell [106]* **(Lemmons, col. 11 lines 40-51) by the user defined time period responsive to the shift instruction when the electronic program guide controller is configured in the user defined time period shift mode** is met by Lemmons teaches: **"***If Prime Time is selected by the operating parameters, i.e. a program cell 136 is shown highlighted to indicate the location of the cursor. The viewer can use the remote control 78 to navigate in the program grid 112, by scrolling horizontal direction corresponding to the program schedule information displayed in the program grid 112*". **(Lemmons, col. 11 line 52- col. 12 line 28)**

In another **user defined time period shift mode,** Fig. 6 illustrates EPG [100] includes the "What's on" [116] menu **; and shifting the grid pattern time focus** at program cell grid [112] is highlighted, associated with a TV program "Another World" is starting at 1:00pm, the half hour time period immediately preceding the current time period (i.e. 1:27:55 in [126]), user can use remote control function to navigate in the same manner

as described above. Referring to Fig. 29, navigating cell [148] includes a Hot Pick icon [152] and "What's On" icon [150] is highlighted as **the grid pattern time focus,** this feature presents **configuring a user defined time period for the user defined time period shift mode that** to be dependent on either the current time period if user selects icon [150] or the current channel if user selects icon [152] as present a "premium channel line-up" to which the tuning circuitry 72 (FIG. 2) is tuned. **(Lemmons, col. 12 line 29- col. 13 line 24)**

Regarding to claim 6: With respect to claimed "A system for configuring an electronic program guide controller", Fig. 2 of Lemmons illustrates a set-top box [70] includes a control unit [74] an electronic program guide controller which associates with memory [76] and display device [84]. User uses a remote control 78 to send command to processor [74] through receiver [80] for configuring an electronic program guide controller **(Lemmons, col. 7 line 20-col. 8 line 54),** these devices which are supporting all features similar to those set forth above with regard to claim 1. So claim 6 is anticipated with Lemmons et al. (see claim 1 rejection for detail)

Regarding to claim 9: includes all features similar to limitation of claim 5. So claim 9 is anticipated with Lemmons et al. (see claim 5 rejection for detail)

Regarding to claim 10: With respect to claimed "A computer readable medium including software that is configured to control a general purpose computer to implement a method for configuring an electronic program guide controller", includes all

features similar to limitation of claim 1. So claim 10 is anticipated with Lemmons et al. (see claim 1 rejection for detail)

Regarding to claim 13: includes all features similar to limitation of claim 5. So claim 13 is anticipated with Lemmons et al. (see claim 5 rejection for detail)

Regarding to claim 14: With respect to claimed "An electronic program guide apparatus", claim 14 includes all features similar to limitation of claim 1. So claim 14 is anticipated with Lemmons et al. (see claim 1 rejection for detail)

Regarding to claim 16: In the apparatus of claim 14, Fig. 2 of Lemmons depicts Set-top box [70] includes **a display device** (84) **is coupled to the on-screen display processor** (86) connecting to control unit [74], **configured to** convert the digital data into a video signals for **display the video signal** on the display device (84) **(Lemmons, col. 7 line 62 to col. 8 line 9)**

Regarding to claim 17: includes all features similar to limitation of claim 2. So claim 17 is anticipated with Lemmons et al. (see claim 2 rejection for detail)

Regarding to claim 20: includes all features similar to limitation of claim 5. So claim 20 is anticipated with Lemmons et al. (see claim 5 rejection for detail)

Regarding to claim 21: The method of claim 1, Fig. 3 of Lemmons illustrates the screen [100] on display [84] as the Program Guide includes the channel cells 110 **wherein each row corresponds to a program channel** identify the channels on which the displayed programs are to be (or are being) telecast, a time bar 102 that is divided into a plurality of horizontally arranged time cells 104 which corresponds to **each**

column represents a defined one half hour **period of time, and** the program grid 112 is divided into a plurality of **program cells** 114. The length of each program cell 114 corresponds to the length of the program named therein, and may span more than one time period **with lengths exceeding the predefined period of time span multiple columns.** Thus, the viewer can easily determine the start time, stop time and length of each program by simply comparing the boundaries of the particular program cell 114 of interest to the time bar 102. **(Lemmons, col. 8 line 55 to col. 9 line 18).** For example in Fig. 4 illustrates a highlighted program cell [127] as time focus cell, if user selects program "FLY BY NIGHT" on program cell [132] of channel [16] on row [110], user presses DOWN ARROW key on [78] twice until program cell [132] is highlighted **(this shift instruction is a program cell shift mode).** The arrow icon 132 shows the start time of program "FLY BY NIGHT" on program cell [132] of channel [16] earlier than Prime time at 7:00pm, by select RIGHT ARROW key on [78] from highlighted cell [132], the program grid [112] and the time bar [102] will scroll sufficiently far to the left by column [time cell] by column to allow the display of program schedule information for the program scheduled for telecast immediately prior to the one indicated by the program cell [132] **(this shift instruction is a column Time shift mode). (Lemmons, col. 10 lines 36-62).**

Regarding to claim 22: The computer readable medium of claim 10, Fig. 3 of Lemmons illustrates a set-top box [70] includes a memory [76] **wherein the computer readable medium is a computer-readable storage medium. (Lemmons, col. 7 lines 31-41).**

Regarding to claim 23: A method of claim 1, wherein, the received instructions include:

Lemmons teaches **selecting another of the at least two time shift modes** as a user defined time period shift mode, **the method further includes the step of configuring the electronic program guide controller in the other of the at least two time shift modes**, as discussed in claim 5 (see claim 5 rejection),

"The first user defined time period shift mode is associated with "What's On" user's selection, see discussion in **(Lemmons, col. 12 line 29- col. 13 line 24**) because this shifting feature is dependent on the current time, then the current highlighted program channel most the time showing on EPG screen", meets **the electronic program guide controller is configured in the one of the at least two time shift modes when shifting to a time focus that is currently displayed on the electronic program guide grid pattern, and**

"The second user defined time period shift mode is associated with Prime Time user's selection, see discussion in **(Lemmons, col. 11 line 52- col. 12 line 28),** because this shifting feature is not dependent on either the current time or current highlighted program channel, the start time of the highlighted program cell may be out of display EPG screen when Time cell [104] at Prime Time" meets **the electronic program guide controller is configured in the other of the at least two time shift modes when shifting to a time focus that is not currently displayed on the electronic program guide grid pattern.**

Regarding to claim 24: (New) The method of claim 2, Lemmons teaches **wherein the user defined time period shift mode includes** 2 user's selection on quickmenu [116] by selecting either "Prime Time" or "What's On", i.e. user would like to watch a program "Hero" starts at 7pm on channel 4 as Prime Time determined by CATV provider, but he comes home late at 8:15pm and Time focus on program cell "HERO", this shows he in "What's On" mode because closed to the current time at 8:15pm. He needs to know how long the HERO program the end, by press LEFT ARROW key on remote control, the highlighted program cell and Time cell scroll far to right side to the end time of program "HERO" as **shifting the time focus forward in time by a first time period** as the current time **and** if user need to know how long he missed the program by pressing Prime Time of menu [116]**,** automatically **shifting the time focus backward in time by a second time period** as Prime Time period on Time cell [104], **the first and second time periods being different from each other.** In another case, if Prime Time is not the start time of the highlighted program cell "Hero", user can presses function LEFT/RIGHT, UP/DOWN arrow keys on remote control to navigate information of program at time focus cell. (**Lemmons, col. 11 line 40 to col. 13. line 24**)

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claim **15** is rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. 6,266,814 to Lemmons et al., in view of US Pub. No. 2001/0056577 A1 published by Gordon et al.,

Regarding to claim 15: The apparatus of claim 14, Lemmons is silent to "a transport decoder coupled to the controller, the transport decoder configured to receive the electronic program guide and pass the received electronic program guide to the controller."

In an analogous art directed toward a similar problem namely improving the results from a transport decoder**.** Fig. 2 of Gordon illustrates a Set-top box includes [230] **a transport decoder coupled to the controller** (270), **the transport decoder** receives the MPEG transport stream from demodulator 220, and DATA data stream, **configured to receive the electronic program guide** as the retrieved stream DATA provides information regarding overlay parameters and other program guide information **and pass the received electronic program guide** as DATA **to the controller** [270] **(Gordon, ¶0042-¶0044)**. Therefore, at the time of the invention, it would have been obvious to one with ordinary skill in the art to modify a set-top box of Lemmons with a transport decoder as taught by Gordon to provide a method and apparatus for providing the functionality of electronic program guide in a manner tending to reduce size of the data base memory, increase scheduling flexibility for the information provider with intelligent set top terminals (STT) **(Gordon, ¶0007-¶0008)**.

Response to Arguments

7. Applicant's arguments with respect to claims 1-2, 5-6, 9-10, 13-17 and 20-24 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed 12/30/2008 have been fully considered but they are not persuasive, because:

A. Applicant respectfully states that Lemmons et al. do not disclose two time shift modes, they can not disclose "configuring the program guide controller in one of the at least two time shift modes." Specially, Lemmons only discloses a program cell time shift mode, but fails to disclose a column time shift mode. (Remark, page 9) Examiner respectfully disagrees.

Fig. 3 of Lemmons illustrates an EPG screen includes Time bar, Channel bar and Program grid. Time bar includes many Time cells, each Time cell has a minimum 30 min time interval, Channel Bar has many channel cells which identifies the specific channel, and Program grid contains many program cells , the length of each program cell corresponds to the length of the program named therein, and may span more than one time period. **(Lemmons, col. 8 lines 55-65 and col. 9 lines 6- 18).**

Referring to Fig. 4, if user selects the highlighted program "Fly By Night", when user move a cursor in Time focus area (i.e. Time Bar) and scrolls Time cell [104] right/left direction, each step only move ½ hr time interval but the highlighted program cell "Fly By Night" is still remain unchanged, this shift mode equates as **column time shift mode** as defined in ¶0027, Fig. 2 of the invention specification. Furthermore, Fig. 5 of

Lemmons and Fig. 2 of Inventor are features similar to those set forth above with regard to column time shift mode. Example: Program cells "Martin, Living Single, New York Undercover" are ½ hr program length equates to Program cells 204a-204c. When user navigates these program cells, he moves the cursor right or left on each program cell, and long program cell as "Due south", "700 Club" are similar as program 6 and 7 of Fig. 2 of inventor which takes 2 steps to move the cursor on the Time cell. Examiner recognizes the Applicant's position that Lemmons et al. discloses the program cell shift mode and cell time shift mode, claim 1 is subject to be rejected under 35 U.S.C. § 102 (b) in view of Lemmons et al. (NOT Le Gall et al) (Remark page 9 line 22).

B. Accordingly, Applicant points out Gordon et al. does not make up for the deficiencies which are not disclosed by Lemmons et al. Accordingly, neither Lemmons et al., Gordon et al, nor their combination disclose or suggest the features of Applicant's claim 14. Claim 15 depends from claim 14. Thus, claim 15 is not subject to rejection under 35 U.S.C. § 103 (a) in view of Lemmons et al. and Gordon et al. (Remark, page 10) Examiner respectfully disagrees.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Lemmons

discloses all limitations set forth with respect to claim 1, because claim 14 merely repeats the same features of claim 1, claim 14 is anticipated by Lemmons et al. (see above discussion). However, Lemmons fails to disclose "*a transport decoder coupled to the controller…. pass the received EPG to the controller*" is cited in claim 15. Gordon et al. does make up for the deficiencies which are not disclosed by Lemmons et al. in teaching that "*Fig. 2 of Gordon illustrates a Set-top box includes [230]* ***a transport decoder coupled to the controller*** *(270),* ***the transport decoder*** *receives the MPEG transport stream from demodulator 220, and DATA stream,* ***configured to receive the electronic program guide*** *as the retrieved stream DATA provides information regarding overlay parameters and other program guide information* ***and pass the received electronic program guide*** *as DATA* ***to the controller*** *[270]* **(Gordon, ¶0042-¶0044)**. Examiner recognizes the Applicant's position that it would have been obvious to modify the teachings of using modify a set-top box of Lemmons with a transport decoder as taught by Gordon to provide a method and apparatus for providing the functionality of electronic program guide as the limitation of claim 15.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALAN LUONG whose telephone number is (571)270-5091. The examiner can normally be reached on Mon.-Thurs., 8:00am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. L./

Examiner, Art Unit 2427
March 31, 2009

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2427